

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff/Respondent,**

**v.**

**No. CV 12-0685 JH/LAM  
CR 09-0871 JH**

**JOHN LERMA,**

**Defendant/Movant.**

**ORDER**

**THIS MATTER** is before the Court on Defendant/Movant's motion to vacate, set aside, or correct sentence (*CV Doc. 1*; *CR Doc. 87*) and motion to proceed *in forma pauperis* (*CV Doc. 2*). It appears from the record that Defendant has previously been found indigent (*CR Doc. 10*), and thus his motion to proceed *in forma pauperis* is moot. Pursuant to Rule 4 of the Rules Governing Section 2255 Proceedings for the United States District Courts, the Court will order the United States to answer Defendant/Movant's motion to vacate, set aside, or correct sentence (*CV Doc. 1*; *CR Doc. 87*).

**IT IS THEREFORE ORDERED** that Defendant/Movant's motion to proceed *in forma pauperis* (*CV Doc. 2*) is **DENIED as moot**;

**IT IS FURTHER ORDERED** that the Clerk is directed to forward to the United States of America a copy of Defendant's motion to vacate, set aside, or correct sentence (*CV Doc. 1*; *CR Doc. 87*) and supporting papers and exhibits, if any, together with a copy of this order.

**IT IS FURTHER ORDERED** that the United States answer Defendant/Movant's motion to vacate, set aside, or correct sentence (*CV Doc. 1; CR Doc. 87*) **within twenty-three days of entry of this order.**

**IT IS SO ORDERED.**

  
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**LOURDES A. MARTINEZ**  
**UNITED STATES MAGISTRATE JUDGE**